

THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

JOHN HURT	§	
	§	
v.	§	CIVIL NO. 4:23-CV-00895-
	§	SDJ-BD
AMPCUS, INC.	§	

**MEMORANDUM ADOPTING THE REPORT AND
RECOMMENDATION OF UNITED STATES MAGISTRATE JUDGE**

Came on for consideration the Report and Recommendation (“Report”) of the United States Magistrate Judge in this action, this matter having been heretofore referred to the Magistrate Judge pursuant to 28 U.S.C. § 636. On July 23, 2024, the Magistrate Judge entered the Report, (Dkt. #23), containing proposed findings of fact and the recommendations that Defendant’s Motion to Dismiss, (Dkt. #7), be granted and Plaintiff’s Motion to Remand, (Dkt. #8), be denied. The Report further recommends that Plaintiff’s complaint be dismissed without prejudice and that Plaintiff be given leave to file an amended complaint rectifying the deficiencies identified in the Report no later than 14 days after the entry of this Order.


No Party filed objections to the Report. Having assessed the Report and the record in this case, the Court hereby adopts the findings and conclusions of the Magistrate Judge as the findings and conclusions of the Court.

It is therefore **ORDERED** that the Motion to Dismiss, (Dkt. #7), is **GRANTED**, the Motion to Remand, (Dkt. #8), is **DENIED**, and Plaintiff’s complaint is **DISMISSED WITHOUT PREJUDICE**.

It is further **ORDERED** that Plaintiff has **fourteen days** from the date of this

order to amend his complaint in a manner that complies with the pleading requirements of the Federal Rules of Civil Procedure. If an amended complaint is filed, Defendant may move once more to dismiss such amended complaint if it has grounds to do so. If Plaintiff fails to amend his pleading within fourteen days, Defendant may move for dismissal under Federal Rule of Civil Procedure Rule 41.

So ORDERED and SIGNED this 27th day of September, 2024.


SEAN D. JORDAN
UNITED STATES DISTRICT JUDGE